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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,114	09/20/2001	Andrew Bartlett	MCA-460 PC/US	4663
25182	7590	03/09/2006	EXAMINER	
MILLIPORE CORPORATION 290 CONCORD ROAD BILLERICA, MA 01821			MENON, KRISHNAN S	
			ART UNIT	PAPER NUMBER

1723

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,114

Applicant(s)

BARTLETT ET AL.

Examiner

Krishnan S. Menon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1,2,5-8, and 10 are pending after the amendment of 2/21/06.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1,2,5-7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2,302,042 A.

GB teaches a filtration device having filter layers and screen layers, filter layers and screen layers having openings for inlets and outlets as claimed, with the openings having thermoplastic seals integrally formed (page 7 lines 9-15), the seals extending at least 0.001, 0.002, or 0.005 from the surfaces of the screens, and from the surface of the filters, all as claimed: see abstract, 3rd paragraph of page 1, page 2 lines 5-13 and 24-35, page 3 lines 1-12, page 7 lines 9-15 and 20-33. Since the seal material penetrates several layers of the membranes and screens, the thickness of the seal layer extending from each screen layer would be greater than the thicknesses claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,5-8 and 10 are rejected under 35 USC 103(a) as unpatentable over Rogemont et al (US 4,701,234) in view of GB 2 302 042 A

Rogemont teaches interposed sealed support of permeable membranes with a permeable mesh comprising plurality of openings in a screen having uniform thickness, one or more ports and integral gasket of thermoplastic elastomer with gasket around the ports and extending beyond the screen surfaces as claimed – see abstract, column 1 lines 15-52, column 3 lines 20-30, column 4 lines 28-33 and figures. The extension of the gasket above the mesh falls within the range claimed in claims 5-8. See column 4 lines 28-35. The reference teaches membrane stacks for microfiltration, ultrafiltration, gas separation, etc., see column 1 lines 5-12.

The teaching of the reference differs in the “thermoplastic elastomer” as the seal in claims 2 and 5-8. Claim 1 recites a filtration device comprising one or more filter layers, with the filter as having one or more openings around which a fluid tight seal is formed by an integral seal that is formed through the filter, with thickness greater than the filter, and made of an elastomer. Claim 10 recites a filtration module formed by stacks of layers of membrane and screen material with the seal around the ports or holes. GB teaches a thermoplastic elastomer (ethylene vinyl acetate) seal around the

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holes in place of other seal materials in page 7 lines 9-15 and 20-33. It would be obvious to one of ordinary skill in the art at the time of invention to use the teaching of GB in the teaching of Rogemont because GB teaches that the thermoplastic used requires low extractables (page 1 lines 22-34), and that the layers can be sealed together as one integral body (page 7 lines 20-33) leading to high quality devices (par linking pages 7 and 8).

Response to Arguments

Applicant's arguments re the pending claims are moot – new grounds for rejection.

Conclusion

This is made non-final due to the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S. Menon whose telephone number is 571-272-1143. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'KS Menon', is positioned above the printed name.

Krishnan S. Menon
Patent Examiner
3/6/06